

22713 U.S. PTO
041504

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney's Docket No. 49737.23

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

00746 U.S. PTO
10/826807
041504

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of:

Inventor(s): Leo J. Yodock, III; Leo J. Yodock, Jr.; Guy C. Yodock

For (title): FLOATING BARRIER UNITS

1. Type of Application

This new application is for a(n)

- ☐ Original (nonprovisional)
☐ Divisional
☐ Continuation
☒ Continuation-in-part (C-I-P)

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date April 15, 2004 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Mailing Label Number EL677103453US addressed to: Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450.

Lillian Pillitteri

{type or print name of person mailing paper}

Lillian Pillitteri
{signature of person mailing paper}

NOTE: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. (37 CFR 1.10(b))

2. Relate Back – 35 U.S.C. 120

☒ Amend the specification by inserting before the first line the sentence:

"This is a

☐ continuation

☒ continuation-in-part

☐ divisional

of copending application(s)

☒ Serial No. 10/119,130 filed on April 2, 2002 which claims priority under 35 U.S.C. §120

☐ International Application _____ filed on _____ and which designates the U.S.

3. Papers Enclosed

☒ 42 page(s) of specification

☒ 16 page(s) of claims

☒ 1 page(s) of abstract

☒ 19 sheet(s) of drawings

☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) as DRAWING(S)." 37 C.F.R. 1.84(b).

☒ formal

☐ informal

☒ 4 pages of declaration and power of attorney

☐ other

4. Additional papers enclosed

☐ Amendment to claims

- ☐ Cancel in this application original claims _____ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☐ Add the claims shown on the attachment amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
- ☐ Preliminary amendment
- ☐ Petition for Extension of Time Under 37 CFR 1.136(a)
- ☐ Information Disclosure Statement (37 C.F.R. 1.98)
- ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions for Representative
- ☐ Special Comments
- ☐ Other

5. Declaration or oath (including power of attorney)

- ☒ Enclosed (unsigned)
- ☐ Executed by:
 - ☐ inventor(s).
 - ☐ legal representative of inventor(s). 37 C.F.R. 1.42 or 1.43.
joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached
 - ☐ This is the petition required by 37 C.F.R. 1.47 and the statement required by 37 C.F.R. 1.47 is also attached. See item 13 below for fee.

☐ Not enclosed.

6. Inventorship Statement

☒ The inventorship for all the claims in this application are:

☒ the same

OR

☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

☐ is submitted.

☐ will be submitted.

7. Language

☒ English

☐ Non-English

☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. 1.52(d).

8. Assignment

☐ An assignment of the invention to _____ is attached. A separate: "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or : FORM PTO 1595 is also attached.

☐ will follow.

9. Certified Copy(ies) of Application(s)

{country}	{appln. no.}	{filed}
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{country}	{appln. no.}	{filed}
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from which priority is claimed

☐ is (are) attached.

☐ will follow.

10. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

11. ☐ Applicant requests voluntary publication as soon as practicable and prior to eighteen months from earliest U.S. filing date.

12. **Fee Calculation (37 CFR 1.16)**

A. ☒ Regular Application

CLAIMS AS FILED				
	Number Filed		Number Extra	Rate
				Basic Fee
				37 CFR 1.16(a)
				<u>\$770.00</u>
Total				
Claims (37 CFR 1.16(c))	50 - 20 = 30	X	\$ 18.00	540.00
Independent				
Claims (37 CFR 1.16(b))	8 - 3 = 5	X	\$ 86.00	430.00
Multiple dependent claims(s), if any (37 CFR 1.16(d))		+	\$290.00	

☐ Fee for Extra claims not being paid at this time. (37 CFR 1.16(d))

Filing Fee Calculation \$1,740.00

B. ☐ Design application
(\$340.00 - 37 CFR 1.16(f))

Filing Fee Calculation \$

C. ☐ Plant application
(\$530.00 - 37 CFR 1.16(g))

Filing Fee Calculation \$1,740.00

13. Small Entity Status

☒ Payment of small entity fee as assertion of entitlement to small entity status pursuant to 37 C.F.R. § 1.27(c)(3)

☐ Status as a small entity was claimed in prior application 10/119,130, filed on April 2, 2002 from which benefit is being claimed for this application under:

35 U.S.C.	<input type="checkbox"/>	119(e),
	<input checked="" type="checkbox"/>	120,
	<input type="checkbox"/>	121,
	<input type="checkbox"/>	365(c),

and which status as a small entity is still proper and desired.

☒ Fee Calculation (50% of A, B or C above) \$ 870.00

14. Request for International-Type Search (37 CFR 1.104(d))

☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

15. Abandonment of Prior Application

☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

16. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

☐ There is provided herewith a Petition to Suspend Prosecution for the Time Necessary to File an Amendment (New Application Filed Concurrently)

17. Notification In Parent Application of this Filing

☒ A notification of the filing of this

☐ continuation

☒ continuation-in-part

☐ divisional

is being filed in the parent application, from which this application claims priority under 35 USC § 120.

18. Fee Payment Being Made At This Time

☒ Not enclosed

☐ No filing fee is to be paid at this time.

☐ Enclosed

☒ filing fee \$ 870.00

☐ Petition for Extension of Time Under
37 CFR 1.136(a) \$ _____

☐ voluntary publication \$ _____

☐ recording assignment
(\$40.00); 37 CFR 1.21(h) \$ _____

☐ petition fee for filing by other
than all the inventors or persons
on behalf of the inventor where
inventor refused to sign or
cannot be reached. (\$130.00;
37 CFR 1.47 and 1.17(h)) \$ _____

☐ for processing an application
with a specification in a non-
English language. (\$130.00;
37 CFR 1.52(d) and 1.17(k)) \$ _____

☐ processing and retention fee.
(\$130.00; 37 CFR 1.53(d) and
1.21(l)) \$ _____

☐ fee for international-type search
report. (\$40.00; 37 CFR 1.21(e)) \$ _____

TOTAL FEES ENCLOSED \$ 870.00

19. Method of Payment of Fees

☐ Check(s) in the amount of _____.

☒ Charge Account No. 08-2625 in the amount of \$870.00. A duplicate of this
transmittal is attached.

20. Authorization to Charge Additional Fees

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 08-2625. A duplicate of this transmittal is attached.

- ☒ 37 CFR 1.16(a), (f) or (g) (filing fees)
- ☐ 37 CFR 1.16(b),(c) and (d) (presentation of extra claims)
- ☐ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 CFR 1.17(a)(1)(5) (extension fees pursuant to § 1.136(a))
- ☐ 37 CFR 1.17 (application processing fees)
- ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

21. Instructions as to Overpayment

- ☒ Credit Account No. 08-2625.
- ☐ Refund

Respectfully submitted,

HOLLAND & KNIGHT LLP

CUSTOMER NO. 23573

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